

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

:

INFORMATION

-v.-

:

S1 12 Cr. 937 (SHS)

JOHN LIN,

:

Defendant.

:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/12/13

COUNT ONE

The United States Attorney charges:

1. At all times relevant to this Information, JOHN LIN, the defendant, was a lawyer at a law office located at 401 Broadway, New York, New York (the "Law Firm"). Since 2006, the Law Firm has submitted at least 500 asylum applications.

2. From in or about 2006, through and including in or about December 2012, in the Southern District of New York and elsewhere, JOHN LIN, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, immigration fraud in violation of Title 18, United States Code, Section 1546(a).

3. It was a part and object of the conspiracy that JOHN LIN, the defendant, and others known and unknown, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and non-immigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess,

obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained to wit, JOHN LIN, the defendant, and others submitted asylum applications on behalf of clients of the Law Firm containing material misstatements to United States Citizenship and Immigration Services which resulted in the clients receiving I-94 cards, in violation of Title 18, United States Code, Section 1546(a).

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 2011, JOHN LIN, the defendant, signed dozens of blank asylum applications verifying that the information contained therein was true and accurate to the best of his knowledge.

b. In or about June 2011, an employee of the Law Firm, a co-conspirator not named as a defendant herein, advised a

potential client of the Law Firm to falsely claim persecution based on religious beliefs in his or her asylum application.

(Title 18, United States Code, Section 371)

FORFEITURE ALLEGATIONS

5. As a result of committing the offense alleged in Count One of this Information, JOHN LIN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

Substitute Assets Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value;
or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.

§ 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and
Title 28, United States Code, Section 2461)

Preet Bharara
PREET BHARARA *JB*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. § 371)

PREET BHARARA

United States Attorney.

4/12/13 - Filed superseding Information
Re. Filed Waiver of Indictment
Judge Pick
VLMJ